

MONDAY, APRIL 19, 1993

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dean Haun, Hermitage Hills Baptist Church, Hermitage, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Brooks; illness.

Representative Jackson; illness.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

PRESENT IN CHAMBER

Representative(s) Kernell was/were recorded as being present in the Chamber.

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MESSAGE FROM THE GOVERNOR

April 19, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 202, 262, 303, 618, 648, 649, 668, 859, 935, 970, 1016, 1083, 1599, 1608, 1630 and 1632; also, House Joint Resolution(s) No(s). 18, 67, 102, 163, 164, 165, 166, 169, 201, 205 and 206: with his approval.

DAVID H. WELLES, Counsel to the Governor.

BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Purcell moved that the Clerk request the return of Senate Bill No. 1240 from the Senate, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

\*House Joint Resolution No. 0214 -- Naming and Designating -- Tennessee State Employee Week, June 13-19, 1993. by \*Phillips.

State and Local Government Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, April 21, 1993:

House Resolution No. 0039 -- Memorials, Public Service -- Charlie Watkins. by \*Gunnels.

House Joint Resolution No. 0216 -- Memorials, Personal Achievement -- Nora Duff. by \*Gunnels.

House Joint Resolution No. 0217 -- Memorials, Sports -- Parrottsville Elementary School Lady Parrots. by \*Davis Ronnie.

House Joint Resolution No. 0218 -- Memorials, Retirement -- Charles and Beth Runnion. by \*Davis Ronnie.

House Joint Resolution No. 0219 -- Memorials, Personal Achievement -- Caleb C. Crye, Voice of Democracy essay winner. by \*Turner B.

House Joint Resolution No. 0220 -- Memorials, Personal Achievement -- Bryant Benson, Voice of Democracy essay winner. by \*Turner B.

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**House Joint Resolution No. 0221 -- Memorials, Personal Achievement -- Amy Gray Piper, Voice of Democracy essay winner. by \*Turner B.**

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, April 21, 1993:

**Senate Joint Resolution No. 0127 -- Memorials, Public Service -- Senator John Hicks.**

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1647 -- Sullivan County -- Redefines and expands job description, duties and authority of purchasing agent. Amends Chapter 261, Private Acts of 1947, as amended. by \*Venable.**

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 0369 -- Taxes, Sales -- Exempts railroad repairs, including parts and labor, from sales tax. Amends TCA, Title 67, Ch. 6. (HB 0447).**

**\*Senate Bill No. 0929 -- Workers' Compensation -- Requires commissioner of commerce and insurance to implement an equitable apportionment among insurers of certain applicants for workers' compensation insurance; requires insurers to participate in plan. Amends TCA 56-5-314. (HB 1103).**

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1645 -- Anderson County -- Held on Clerk's desk pending approval by local delegation.**

**House Bill No. 1646 -- School Districts, Special -- Held on Clerk's desk pending approval by local delegation.**

CONSENT CALENDAR

**House Bill No. 1633** -- School Districts, Special -- Staggers terms of office of members of the board; extends terms of office from two to four years. Amends Chapter 563, Private Acts of 1949, as amended.

**House Bill No. 1634** -- School Districts, Special -- Requires referendum on bond issue if petition filed by 10 percent of voters of school district. Amends Chapter 563, Private Acts of 1949 as amended.

**House Bill No. 1635** -- Dresden -- Authorizes civil penalties of not more than \$500 for ordinance violations. Amends Chapter 146, Private Acts of 1986.

**House Bill No. 1636** -- Dresden -- Sets time of city election as first Tuesday in November in even numbered years; revises terms accordingly. Amends Chapter 146, Private Acts of 1986.

**House Bill No. 1637** -- Dresden -- Reduces from three to two number of readings required to adopt ordinance. Amends Chapter 146, Private Acts of 1986.

**House Bill No. 1639** -- Lincoln County -- Provides for issuance and sets fees for building permits. Amends Chapter 41, Private Acts of 1963, as amended.

**House Bill No. 0583** -- Youth Development, Dept. of -- Authorizes establishment of one or more model after school and/or summer programs for young adolescents at risk of placement in state custody.

On motion, House Bill No. 583 was made to conform with **Senate Bill No. 614**; the Senate Bill was substituted for the House Bill.

**\*Senate Bill No. 0101** -- Sunset Laws -- State law library commission, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 10, Ch. 4.

**House Bill No. 1619** -- Lewisburg -- Revises charter; creates offices of city judge and city court clerk. Amends Chapter 36, Private Acts of 1915, as amended.

**House Bill No. 1631** -- Montgomery County -- Repeals Chapter 288, Private Acts of 1970 which established a non-profit Municipal Stadium Authority for Montgomery County and Austin Peay State University.

**House Bill No. 1371** -- Highway Signs -- Directs department of transportation to erect road signs on Highway 99 designating certain area as deer crossing area.

**\*House Bill No. 1433** -- Utilities, Utility Districts -- Expands scope of utility relocation loan program. Amends TCA 67-3-617.

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**House Bill No. 0258 -- Highway Signs --** "Traveler's Information Station," Exits 78 and 81, 1-24.

On motion, House Bill No. 258 was made to conform with **Senate Bill No. 166**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1542 -- Revenue --** Requires state funding board to conduct public hearings annually to develop consensus estimates of state revenue for fiscal year, to request economic forecasts and revenue estimates from higher education business centers and to present forecast to general assembly. Amends TCA 9-6-202.

**\*Senate Joint Resolution No. 0111 -- General Assembly, Directed Studies --** Requests state board of regents to build state technical institute in Cookeville.

**\*Senate Joint Resolution No. 0088 -- Naming and Designating --** "Thomas C. Clark Administration Building," Camp Clement.

**\*House Joint Resolution No. 0037 -- General Assembly, Studies --** Creates special joint committee to study the affordability of decent and sanitary housing.

**\*House Joint Resolution No. 0056 -- General Assembly, Studies --** Creates special joint committee to review consumer protection laws and examine budgetary and enforcement resources of Division of Consumer Affairs.

**\*House Joint Resolution No. 0063 -- General Assembly, Studies --** Continues Select Joint Committee on Veterans Affairs for two years.

**\*House Joint Resolution No. 0144 -- General Assembly, Studies --** Creates special joint committee to study applied food service sanitation training and certification programs for food service managers and employees.

**\*House Joint Resolution No. 0082 -- General Assembly, Studies --** Creates special joint committee to study coordination and cooperation among federal, state and local drug enforcement agencies.

**Senate Joint Resolution No. 0147 -- Memorials, Sports --** Stephen Harvey, state wrestling champion and Wrestler of the Year.

**Senate Joint Resolution No. 0150 -- Memorials, Professional Achievement --** Carol W. King, 1993 Rotary Award for Teacher Excellence.

**Senate Joint Resolution No. 0152 -- Memorials, Professional Achievement --** Julia Bosley, Clarksville Montgomery County Distinguished Classroom Teacher Award.

**Senate Joint Resolution No. 0153 -- Memorials, Death --** Bob Perry.

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**Senate Joint Resolution No. 0154** -- Memorials, Sports -- Battle Ground Academy boys' golf team.

**Senate Joint Resolution No. 0156** -- Memorials, Sports -- Lexington High School girls' basketball team.

**Senate Joint Resolution No. 0159** -- Memorials, Sports -- Bill Pike, Tennis champion.

**Senate Joint Resolution No. 0160** -- Memorials, Sports -- Union University Lady Bulldogs.

**Senate Joint Resolution No. 0162** -- Memorials, Sports -- Brandon Wood and Seth Pettus, Battle Ground Academy basketball stars.

**Senate Joint Resolution No. 0163** -- Memorials, Sports -- Hickman County High School athletic awards.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1301** -- Courts, General Sessions -- Enacts "General Sessions Court Reform Act of 1993". Amends TCA, Titles 16, 19, 40.

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Further consideration of House Bill No. 1301, previously considered on April 12, 1993, at which time it was reset to the Calendar for April 19, 1993.

On motion, House Bill No. 1301 was made to conform with **Senate No. 125**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 125** be passed on third and final consideration.

Rep. Fisher moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Herron moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Herron moved that **Senate Bill No. 125**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 0115 -- Sunset Laws -- Department of labor, June 30, 2001. Amends TCA, Title 4, Chs. 3, 29.**

Further consideration of Senate Bill No. 115, previously considered on April 5, at which time it was substituted for House Bill No. 344, reset to the Calendar for April 12, then reset to the Calendar for April 19, 1993.

Rep. Kernell moved that **Senate Bill No. 115** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . . 96  
Noes. . . . . 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 0020 -- Zoning --** Requires county or municipality which enacts zoning plan to establish separate classification for adult oriented businesses. Amends TCA, Title 13, Ch. 7.

Rep. Joyce moved that House Bill No. 20 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 20 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. If any county enacts a zoning plan which includes a commercial classification, such county shall establish a separate classification for adult oriented businesses under such plan, after considering and making a determination of the extent to which such establishments have or may result in adverse secondary effects. If a determination is made by the county that such establishments do not have or may not result in adverse secondary effects, the requirement of this section to establish a separate classification shall not apply in such county.



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SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. If a municipality enacts a zoning plan which includes a commercial classification, such municipality shall establish a separate classification for adult oriented businesses under such plan, after considering and making a determination of the extent to which such establishments have or may result in adverse secondary effects. If a determination is made by the municipality that such establishments do not have or may not result in adverse secondary effects, the requirement of this section to establish a separate classification shall not apply in such municipality.

SECTION 3. This act shall take effect July 1, 1993, the public welfare requiring it.

Rep. Severance moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved that House Bill No. 20, as amended, be reset one week to the Calendar for, Monday, April 26, 1993, which motion prevailed.

**House Bill No. 0340 -- Sunset Laws -- Department of finance and administration, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.**

On motion, House Bill No. 340 was made to conform with **Senate Bill No. 121**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 121** be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 121 by deleting Section 2 in its entirety and by substituting instead the following new section:

SECTION 2. Tennessee Code Annotated, Section 4-29-217(a), is amended by adding a new item thereto, as follows:

( ) Department of finance and administration, created by § 4-3-101;

On motion, Amendment No. 1 was adopted.

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Rep. Kernell moved that **Senate Bill No. 121**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Representative(s) Brooks was/were recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0426** -- Licenses -- Revises licensure provisions of alarm systems contractors. Amends TCA, Title 62, Ch. 32, Pt. 3.

On motion, House Bill No. 426 was made to conform with **Senate Bill No. 667**; the Senate Bill was substituted for the House Bill.

Rep. Collier moved that **Senate Bill No. 667** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Collier moved that **Senate Bill No. 667** be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

MESSAGE FROM THE SENATE

April 19, 1993

MR. SPEAKER: I am directed to return Senate Bill No. 1240, as requested, for further consideration.

CLYDE W. McCULLOUGH, Jr., Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 0448 -- AIDS -- Requires acute care hospitals and ambulatory surgical treatment centers to devise and adopt appropriate policies concerning the testing of staff for HIV/AIDS; requires such policies to be in force by January 1, 1994. Amends TCA 68-11-222.

On motion, House Bill No. 448 was made to conform with Senate Bill No. 375; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that Senate Bill No. 375 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 375 by inserting the following language as a new section immediately preceding the effective date section and by renumbering the final section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 68-11-222, is amended by adding the following language as a new, appropriately designated subsection:

( ) On or before April 1, 1994, acting in consultation with the department of health the following state entities shall promulgate rules requiring the respective facilities and persons, regulated by such state entities, to adopt and appropriately utilize universal precautions for prevention of HIV transmission:

(1) board for licensing health care facilities, created under § 68-11-202;

(2) board of registration in podiatry, created under § 63-3-103;

(3) board of dentistry, created under § 63-5-101;

(4) board of medical examiners, created under § 63-6-101;

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(5) board of nursing, created under § 63-7-201;

(6) board of optometry, created under § 63-8-103;

(7) board of osteopathic examination, created under § 63-9-101;

(8) board of occupational and physical therapy examiners, created under § 63-13-103; and

(9) board of medical examiners' committee on physician assistants, created under § 63-19-103.

On motion, Amendment No. 1 was adopted.

Rep. Peroulas Draper moved that **Senate Bill No. 375**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0635 -- Election Laws --** Requires department of safety and each county election commission to provide for voter registration as part of any motor vehicle driver license application or photo identification license used in Tennessee. Amends TCA, Title 2, Ch. 2.

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Rep. Purcell moved that House Bill No. 635 be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	64
Noes. . . . .	30

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Hillis, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Williamson), Windle, Winningham, Wix -- 64.

Representatives voting no were: Allen, Anderson, Bittle, Boyer, Coffey, Davis, Duer, Gunnels, Halteman Harwell, Hassell, Haun, Huskey, Jones R (Shelby), McAfee, McDaniel, McKee, Meyer, Peroulas Draper, Ramsey, Severance, Shirley, Stamps, Stockburger, Thompson, Venable, Walley, Westmoreland, Williams (Shelby), Williams (Union), Wood -- 30.

Rep. Purcell moved that House Bill No. 635 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	71
Noes. . . . .	20
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Allen, Bittle, Chiles, Coffey, Gunnels, Halteman Harwell, Hassell, Haun, McAfee, McDaniel, McKee, Meyer, Peroulas Draper, Ramsey, Severance, Shirley, Stockburger, Venable, Westmoreland, Wood -- 20.

Representatives present and not voting were: Liles, Ritchie -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 635 and have this statement entered in the Journal: Rep(s). Halteman Harwell.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 0951** -- Codes -- Adopts American National Standard Electrical Safety Code edition dated July 10, 1992, instead of present edition dated August 1, 1989. Amends TCA 68-101-104.

On motion, House Bill No. 951 was made to conform with **Senate Bill No. 1205**; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that **Senate Bill No. 1205** be passed on third and final consideration.

Rep. Williams (Shelby) moved to adopt Amendment No. 1 as follows:

#### Amendment No. 1

Amend Senate Bill No. 1205 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. A copy of the American National Standard Electrical Safety Code edition dated July 10, 1992, is available for viewing by the public at the office of electrical inspection section in the department of commerce and insurance in the Volunteer Plaza Building, 500 James Robertson Parkway, Nashville, Tennessee, during regular state office hours.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that **Senate Bill No. 1205**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	2
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun,

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Ayes. . . . .	93
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Armstrong -- 1.

Representatives present and not voting were: Pruitt -- 1.

A motion to reconsider was tabled.

**House Bill No. 1498** -- Education, Higher -- Creates grievance procedure for non-faculty personnel in higher education. Amends TCA 49-8-116.

Rep. Purcell moved that House Bill No. 1498 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1498 by deleting Sections 1 through 3 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 49-8-116, is amended by adding the following new section:

Section \_\_\_\_.

(a)

(1) The state university and community college system and the University of Tennessee shall establish a grievance procedure for all support staff employees.

(2) Support staff is defined as employees who are neither faculty nor

executive, administrative or professional staff of the state university and community college system and the University of Tennessee.

(3) Support staff shall be given every opportunity to resolve bona fide grievances through the grievance procedure. Every reasonable effort shall be made to resolve grievances at the lowest possible step in the procedure.

(4) Employees using or involved in the grievance procedure shall be entitled to pursue their grievances without fear, restraint, interference, discrimination or reprisal.

(b)

(1) A grievance must be filed at the appropriate step in the grievance procedure within fifteen (15) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance.

(2) A grievance is defined as a complaint about one (1) or more of the following matters:

(A) Demotion, suspension without pay or termination for cause;

(B) Work assignments or conditions of work which violate statute or policy.

(3) Any complaint about demotion, suspension without pay, termination for cause shall receive a hearing covered under provisions of the Tennessee Uniform Administrative Procedures Act, Tennessee Code Annotated, Sections 4-5-301 through 4-5-322. In issues involving unlawful discrimination and harassment the employee may choose a TUAPA hearing or the panel hearing.

(4) Standard grievance forms shall be developed and made available to support staff at each worksite. No grievance may be denied because a standard form has not been used.



(5) The grievance procedure shall include no more than four (4) steps to finality.

(6) The grievance procedure shall include the opportunity for a face-to-face meeting within fifteen (15) days after the grievance is filed and within fifteen (15) days after each subsequent step in the procedure is initiated.

(7) The grievant shall receive a written decision with specific reasons stated for the decision within fifteen (15) working days after a face-to-face meeting occurs.

(8) The grievant and any material witnesses shall be allowed to testify fully at every step in the grievance procedure.

(9) The grievance procedure shall include an unbiased commission or panel as the final step for processing grievances regarding work assignments or conditions of work not otherwise covered in subsection (b)(3). The decision of the panel is subject to review by the president.

(10) At every step in the grievance procedure other than a TUAPA hearing, the grievant shall be entitled to be accompanied and represented by an employee representative from the institution. Other employee representatives may be allowed at the panel hearing at the discretion of the panel chair.

(c) The state University and community college system and the University of Tennessee shall provide an annual report to the legislative education oversight committee summarizing grievance activities of the previous year.

(d) Each institution shall include information regarding the grievance procedure in employee orientations.

Section 2. This act shall take effect on July 1, 1993, for the purposes of establishing the necessary policies and such policies shall be in effect no later than October 1, 1993.

On motion, Amendment No. 1 was adopted.

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Rep. Purcell moved that **House Bill No. 1498**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1547** -- Tennessee Higher Education Commission -- Adds comptroller of treasury, secretary of state and state treasurer as ex officio, nonvoting members. Amends TCA, Title 49, Ch. 7.

Rep. Purcell moved that **House Bill No. 1547** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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**House Bill No. 1136** -- Education -- Adds two at large members, one each from senate and house, to select oversight committee on education. Amends TCA 3-15-301.

On motion, House Bill No. 1136 was made to conform with **Senate Bill No. 1356**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1356** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 95.

A motion to reconsider was tabled.

**House Bill No. 1071** -- Labor -- Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204.

On motion, House Bill No. 1071 was made to conform with **Senate Bill No. 601**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 601** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1 to Amendment No. 1.

Rep. Bragg moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 601 by adding the following new

section after Section 1 and by renumbering the subsequent section accordingly:

Section 2. The provision of this act requiring a professional education organization to maintain at least seven percent (7%) of the total faculty as active members in order to qualify for deduction of dues shall not apply to any professional association which has had and has exercised the privilege of deduction of dues for at least four (4) years prior to the effective date of this act.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend Senate Bill No. 601 by adding the following sentence at the end of the amendatory language in Section 1 of the printed bill:

Such professional education organization shall maintain at least seven percent (7%) of the total faculty as active members in order to qualify for deduction of dues.

Rep. U. Jones requested that Senate Bill No. 601 be moved down 5 places on the Calendar.

**House Bill No. 1417** -- Insurance Companies, Agents, Brokers -- Revises various provisions relative to insurance; enacts "Reinsurance Intermediary Act". Amends TCA, Title 56, 56-1-408, 410, 411, 56-1-501; Title 56, Ch. 2, 56-2-104, 56-2-201, 208, 209, 56-3-501; Title 56, Ch. 6, 56-6-602--604, 330; Title 56, Ch. 11, 56-11-205, 206, 56-32-222, 56-45-103, 114.

On motion, House Bill No. 1417 was made to conform with **Senate Bill No. 1467**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that **Senate Bill No. 1467** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Byrd moved that **Senate Bill No. 1467** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,

Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0581** -- Municipal Government -- Revises certain meeting requirements, terms and compensation of mayor and council under modified city manager council charter system of municipal government. Amends TCA, Title 6, Chs. 30--36.

Rep. Pinion moved that House Bill No. 581 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Pinion, as follows:

**Amendment No. 1**

Amend House Bill No. 581 by deleting Sections 1 through 7 in their entirety and substituting instead the following new sections:

Section 1. Tennessee Code Annotated, Section 6-32-101, is amended by adding the following new language:

However at the option of the council, an ordinance may be adopted by a two-thirds (2/3) vote of its entire membership to hold regular council meetings once monthly.

Section 2. Tennessee Code Annotated, Section 6-32-202(a), is amended by adding the following new language:

As used in this section, the term "read" means the reading of the caption of the ordinance.

Section 3. Tennessee Code Annotated, Section 6-35-205(b)(2), is amended by striking the words and figures "one thousand dollars (\$1,000)", and substituting instead the words and figures "twenty-five hundred dollars (\$2,500)."

Section 4. Tennessee Code Annotated, Section 6-31-107, is amended by adding the following new language:

However at the option of the council, an ordinance may be adopted by two-thirds (2/3) of the entire membership of the council prescribing and fixing staggered terms for members of the council, and the ordinance may shorten or extend the terms of current members of the council for the sole purpose of staggering the terms, but otherwise the terms of office shall be four (4) years.

Section 5. Tennessee Code Annotated, Section 6-32-110(a), is amended by adding the following new language:

"At the option of the council, an ordinance may be adopted by a two-thirds (2/3) vote of its entire membership to fix the compensation of members of the council at an amount not exceeding one hundred fifty dollars (\$150) per month, and the council person serving as Mayor not exceeding two hundred dollars (\$200) per month to take effect at the end of the term of the council person whose term last expires.

Section 6. The provisions of this act are hereby declared to be severable, if any of its sections, provisions, or parts be held unconstitutional or void the remainder shall continue in full force and effect, it being the legislative intent now declared that this act would have been adopted even if such constitutional or void matter had not been included therein.

Section 7. This act shall take effect upon its passage, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Pinion moved that **House Bill No. 581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas

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Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Brooks, Haley, Liles, Thompson -- 4.

A motion to reconsider was tabled.

**House Bill No. 0522** -- Contractors -- Prohibits county or municipality from discriminating against state licensed plumbing, electrical, heating, ventilation, or air conditioner contractor on basis of licensee's non-residency in county or municipality. Amends TCA 62-6-111.

Rep. L. Turner (Shelby) moved that House Bill No. 522 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 522 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-111(h), is amended by designating the existing language as subdivision (1) and by adding the following new subdivision:

(2) Each person through or in whose name an application is submitted for an electrical contractor's license, shall be not less than twenty-one (21) years of age and of good moral character, and either

(A) A graduate electrical engineer from a recognized university or college, with at least two (2) years of actual experience in the electrical construction industry covering the physical installation of wires, conductors, and electrical equipment used for the transmission of electrical power for light, heat, or power purposes; or

(B) A journeyman electrician with not less than four (4) years of actual experience, to be verified by the state licensing board, in the electrical construction industry covering physical installation of wires, conductors and

electrical equipment used for the transmission of electrical power for light, heat or power purposes.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

Rep. Head moved that Amendment No. 1 be tabled, which motion prevailed.

Rep. L. Turner (Shelby) moved that **House Bill No. 522** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0978** -- Insurance Companies, Agents, Brokers -- Prohibits insurer from amending or changing classification or rates of commercial insurance after expiration or renewal date of policy without written consent of policyholder. Amends TCA 56-8-104.

Rep. West moved that House Bill No. 978 be reset to the Calendar for Thursday, April 22, 1993, which motion prevailed.

**\*Senate Bill No. 0601** -- Labor -- Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204.

Further consideration of Senate Bill No. 601, previously considered on today's Calendar.

Rep. Davidson renewed the motion to adopt Amendment No. 3, which motion prevailed.



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Rep. U. Jones moved that **Senate Bill No. 601**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	67
Noes. . . . .	26
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, Liles, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Coffey, Cole (Carter), Gunnels, Haley, Halteman Harwell, Hassell, Haun, Joyce, Kent, McAfee, McDaniel, Meyer, Ramsey, Shirley, Stamps, Stockburger, Venable, Walley, West, Westmoreland, Williams (Union), Wood -- 26.

Representatives present and not voting were: Severance -- 1.

A motion to reconsider was tabled.

**House Bill No. 0502 -- Sunshine Law --** Makes general assembly political selection of nominees for constitutional offices subject to Open Meetings Act. Amends TCA, Title 8, Ch. 44.

Rep. Buck moved that House Bill No. 502 be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**\*House Bill No. 0308 -- Consumer Protection --** Requires motor vehicle dealers to transfer or explain availability of certain warranties on used motor vehicles. Amends TCA, Title 55.

Rep. Dixon moved that House Bill No. 308 be reset one week to the Calendar for Monday, April 26, 1993, which motion prevailed.

**\*House Joint Resolution No. 0103 -- General Assembly, Studies --** Continues business tax committee for duration of 98th General Assembly; adds business recruitment and development and use of incentives to area of study.

Rep. Kisber moved that House Joint Resolution No. 103 be adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee

Amendment No. 1, seconded by Rep. Kisber, as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 103 by deleting the language "a person appointed by the governor," from the second sentence of the first resolving clause.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Joint Resolution No. 103**, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0145 -- General Assembly. Studies --**  
Creates special joint committee to study provision of special education services for seriously emotionally disturbed children.

Rep. Turner (Hamilton) moved that House Joint Resolution No. 145 be adopted.

Rep. Turner (Hamilton) moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 145 by deleting the preamble of the printed resolution in its entirety and by substituting instead the following new language:

WHEREAS, emotionally disturbed children have the same special education entitlements under federal law as any other population of educationally handicapped children; and

WHEREAS, these various entitlements are guaranteed under the provisions of Public Laws 94-142, 93-112, and the IDEA Act, under the acronym of FAPE (Free Appropriate Public Education), and include residential, educational placement in boarding schools, hospitals and group homes; and

WHEREAS, every educationally handicapped child in Tennessee is guaranteed a FAPE, with the mandate of compliance placed upon the Tennessee Department of Education which annually submits a statewide compliance plan to the U.S. Department of Education; and

WHEREAS, failure of the state Department of Education, state agencies, or local schools to provide a FAPE to handicapped children jeopardizes all federal funds coming into the various state departments; and

WHEREAS, there are news reports to suggest that the state's population of seriously emotionally disturbed children are being unfairly discriminated against by various practices of the Department of Education and the Department of Mental Health and Mental Retardation; and

WHEREAS, Special Education Entitlements for all educationally handicapped children include a full range of services, including residential placement in state schools; and

WHEREAS, the news reports suggest that seriously emotionally disturbed children may have been denied a FAPE because their families have been forced to relinquish legal custody of such children in order to receive special education services, especially residential placement; and

WHEREAS, the Department of Mental Health and Mental Retardation operates a number of state-certified schools on the Mental Health Institute campuses, (for example, Moccasin Bend Institute in Chattanooga houses both Pinebreeze and Smallwood Schools for mentally ill children); and

WHEREAS, Federal Special Education Law also mandates that the state Department of Education develop and maintain educational placements within the state, and news reports indicate that the Department of Education has failed to develop any residential educational placements for seriously emotionally disturbed children, requiring that most of these children leave the state for an education, (for example, there are currently 32 children, all in state custody, at Montenairi School in Hialeah, Florida); and

WHEREAS, federal law requires that all states have an interagency agreement that recites the obligation between state agencies to assure that all handicapped children receive a FAPE, and there exists evidence to suggest that Tennessee's interagency agreement may be flawed as such agreement applies to seriously emotionally disturbed children; and

WHEREAS, this is a matter of the utmost importance for educationally handicapped children and their families, and should be carefully investigated and evaluated by this General Assembly; now, therefore,

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved that House Joint Resolution No. 145, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

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**\*Senate Joint Resolution No. 0017 -- General Assembly, Studies -- Creates commission to study adoption laws.**

Rep. Purcell moved that **Senate Joint Resolution No. 17** be concurred in.

Rep. DeBerry moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 17 by deleting the second resolving clause of the printed resolution, as amended by Senate Amendment No. 1, in its entirety and by substituting instead the following new language:

BE IT FURTHER RESOLVED, That the commission shall include two members each from the senate and the house to be appointed by the respective speakers, and shall further include a member of the bench and a member of the bar who practice regularly in the adoption field, a representative from a licensed child-placing agency, a representative of an adoption advocacy group, a person who is an adopted person, a person who is an adoptive parent, a person who is a sibling of an adopted person, and a person who gave up a child for adoption, all of whom shall be appointed by the governor, and shall also include the commissioner of the department of human services or the commissioner's designee. The senior member from the senate shall convene the commission which shall then elect such other officers as it deems necessary.

On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Purcell moved that **Senate Joint Resolution No. 17**, as amended, be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0146 -- General Assembly, Directed Studies -- Directs commissioner of environment and conservation to study proposed Environmental Justice Act and to report findings and recommendations on or before January 11, 1994.**

Rep. DeBerry moved that **House Joint Resolution No. 146** be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 146 by inserting the language ", the department of agriculture" in the first resolving clause between the word "health" and the words "and the".

AND FURTHER AMEND by inserting the language ", the commissioner of agriculture" in the second and third resolving clauses between the word "health" and the words "and the".

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved that House Joint Resolution No. 146, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 0696 -- Administrative Procedure -- Revises effective date of rules and regulation promulgated pursuant to UAPA. Amends TCA, Title 4, Ch. 5, Pt. 2.

On motion, House Bill No. 696 was made to conform with Senate Bill No. 281; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 281 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Rhinehart moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 281 by deleting the effective date section and by substituting instead the following:

Section \_\_\_\_\_. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that Senate Bill No. 281, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong,

Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Knight, Kernell, Kisher, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Pheilan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsbay, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stuce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winingham, Wix, Wood, Mr. Speaker Natfeh -- 93.

Representatives present and not voting were: Brown -- 1.  
A motion to reconsider was tabled.

# MESSAGE CALENDAR

## HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 0116 -- Consumer Protection -- Reenacts and amends Public Acts 81 and 84 of 1991 relative to prize or gift promotional offers made in connection with time share project. Amends TCA 66-32-133.

## Senate Amendment No. 2

Amend House Bill No. 116 is amended by adding the following language at the end of Section 2 of the printed bill:  
Such choice shall be disclosed to the recipient at the time of the initial offering.  
Rep. Bragg moved that the House concur in Senate Amendment(s) (No)s. 2 to House Bill No. 116, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisher, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Pheilan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, 1193-

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Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 0408** -- Local Government, General -- Exempts local governments from competitive bidding requirements in connection with purchase of natural gas or propane gas for resale. Amends TCA 6-56-304; Title 7, Ch. 51, Pt. 9.

**Senate Amendment No. 2**

Amend House Bill No. 408 by adding the language and punctuation "Notwithstanding any law to the contrary." to the beginning of the amendatory language of Section 2.

Rep. Gunnels moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 408**, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Callicott -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0642** -- Banks and Financial Institutions -- Reformulates calculation of "banking fee" assessed against banks; increases fee paid in lieu of banking fee by nondepository trust companies from \$300 to \$1,000; removes cap on examination fee on such companies; deletes assessment fees for branch banks and offices. Amends TCA 45-1-118.

Senate Amendment No. 2

AMEND House Bill No. 642 by inserting the following as new sections immediately preceding the effective date section and by renumbering the final section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 45-2-1602(a), is amended by deleting the words, figures, and symbols "at least once in every three (3) years" and by substituting instead the following:

at least once in every five (5) years

SECTION \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Senate Amendment No. 3

AMEND House Bill No. 642 by deleting Sections 1 through 5 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-1-118 is amended by deleting it in its entirety and by substituting instead the following:

(a) Each state bank shall pay to the department the cost, as determined by the commissioner, of investigating an application by such bank for a charter as a new bank or for a branch bank.

(b)

(1) The commissioner shall determine an annual budget for the department of financial institutions.

(2) The amount of the budget attributable to the regulation and examination of state banks shall thereafter be divided among the state banks by the commissioner.

(c)

(1) The assessment against each state bank which shall be known as the "banking fee" shall be allocated in proportion to the total assets beneficially owned by each state bank; provided, (i) that the commissioner may establish a minimum assessment in lieu of any pro rata assessment which shall not exceed five thousand dollars



(\$5,000), and (ii) that the maximum assessment shall not exceed the annualized fee which a state bank would pay if it were a national bank of equivalent asset size.

(2) Nondepository trust companies which are regulated by the department shall, in lieu of a banking fee based on asset size, pay to the commissioner, by July 1 of each year, the sum of one thousand dollars (\$1,000) for each office or place of business operated by such trust company. In addition, nondepository trust companies shall pay the actual expenses of examination at the time of examination. Such fees are payable in addition to other fees and taxes now required by law and are expendable receipts for the use of the commissioner in defraying a portion of the cost of administration of this chapter.

(d)

(1) Assessments shall be paid into the treasury of the state upon notice from the commissioner and all monies collected by the commissioner shall be used for the administration of the Department of Financial Institutions and such fees shall not be a credit against any tax levied by this state.

(2) Any surplus funds collected by the department shall be segregated and held by the state treasurer in a special reserve fund for the department's sole use.

(3) The commissioner, when establishing the state banking fee, shall on an annual basis use any monies in the special reserve fund to reduce the amount otherwise assessable against state banks. Provided, the commissioner may retain such portion of the reserve fund on an annual basis as may be determined to be necessary (i) for anticipated general salary improvements provided to state employees, and (ii) an amount to provide employee incentive awards, and (iii) such other amounts the commissioner may deem necessary and appropriate provided such amount may not exceed ten percent (10%) of the state banking fee. The use of retained funds for general salary improvements and employee incentive awards shall be subject to the approval of the department of finance and administration.

(4) Should the special reserve fund exceed twenty-five percent (25%) of the total annual

banking fee, and such funds shall not be used as provided in item 3 during any fiscal year, then the monies in the reserve fund shall be rebated to the banks paying the state banking fee on a proportional basis, or shall be applied as a credit against the bank's annual banking fee in the next succeeding fiscal year.

(e) If any state bank fails to make payment within thirty (30) days after notice from the commissioner of the amount of its assessment, the commissioner may issue an execution against its property for an amount equal to one hundred fifty percent (150%) of the delinquent payment.

(f)

(1) The department may recover the costs of examination and supervision of a financial institution, subsidiary, or service corporation for supervision or examination which are in addition to the costs associated with the level of supervision ordinarily required for a financial institution in sound financial condition and which are in excess of the normal regulatory fees paid by such institution. The department may also recover the costs of any review of any affiliate of a financial institution determined by the department to have contributed to an unsafe or unsound practice at a financial institution, subsidiary, or service corporation.

(2) The commissioner may issue orders and promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, for the purpose of establishing and defining costs associated with complying with this subsection and for the purpose of enforcing the recovery of such costs.

(g)

(1) The commissioner in cooperation with the Department of Personnel shall on an annual basis conduct a review of the salaries of employees in the department. Such review shall include a comparative analysis of salaries of the departmental employees, employees in similar state positions in bank regulatory agencies of other states, employees in federal regulatory agencies, similar employees in other Tennessee state departments, and employees in similar positions in the private sector. Based on the review or other factors including, but not

limited to, staff turnover, qualifications, or availability of qualified employees, the commissioner shall make recommendations for changes in classifications, salary improvements, or both.

(2) The commissioner shall establish, maintain, and review on a periodic basis a method for assessing the staffing needs for the department. The method shall include but not be limited to assessment of the statutory requirements of the department, the number and type of institutions regulated within each regulatory category, and the size of the assets under the departmental supervision in each category.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 642, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 0869 -- Traffic Safety -- Requires horse drawn vehicles used on highways to be equipped with strobe light on top. Amends TCA, Title 55, Ch. 9, Pt. 4.

Rep. Moore moved that House Bill No. 869 be reset two weeks to

the Message Calendar for Monday, May 3, 1993, which motion prevailed.

**\*House Bill No. 1094** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates to bear "Helping Schools" logo; proceeds from such plates to provide for school equipment and supplies. Amends TCA, Title 55, Ch. 4.

**Senate Amendment No. 2**

Amend House Bill No. 1094 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. Notwithstanding the provisions of Section 55-4-103(b)(4), on the college or university registration plates or any other special registration plates, if additional space is needed on the plate for a logo or other identifying message, the commissioner shall have the authority to waive the requirement that the plates specify the name of the county of issue.

Rep. Moore moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1094**, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1202** -- Election Laws -- Requires counties which have computerized voter registration lists to make list available on

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computer diskette format upon request of any citizen at actual cost to county. Amends TCA 2-2-115, 138.

Rep. Kisber moved that House Bill No. 1202 be reset to the Message Calendar for Wednesday, April 21, 1993, which motion prevailed.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 155.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 795; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 677; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 53.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Cohen, Albright and Cooper to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 53.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Phillips moved to suspend **Rule No. 49** (48-hour rule), to allow bills moved from Calendar and Rules on Tuesday, April 20, 1993, to be set on floor calendar(s) Wednesday, April 21, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Buck moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bills Nos. 598, 849, 810 and 1372 could be heard by Judiciary subcommittees on this week, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 779 can be heard by the Local Government Subcommittee of State and Local Government Committee on Tuesday, April 20, 1993, which motion prevailed.

RULES SUSPENDED

Rep. West moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 127 out of order, which motion prevailed.

**Senate Joint Resolution No. 0127** -- Memorials, Public Service -- Senator John Hicks.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. West, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, April 21, 1993:

**House Bill No. 718:** Rep. Robinson.

**Senate Bill No. 155:** Rep. Rhinehart.

**House Bill No. 795:** Rep. Tindell.

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**Senate Bill No. 53:** Rep. Hillis.

**Senate Bill No. 1240:** Rep. Purcell.

**House Bill No. 677:** Rep. Purcell.

#### **RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Resolution No. 40 out of order, which motion prevailed.

**House Resolution No. 0040 -- Naming and Designating -- "Worthy Wage Day,"** April 22, 1993, by \*Purcell, \*DeBerry, \*Chumney, \*Knight, \*Givens, \*Turner B. \*Williams K.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

#### **SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 360:** Rep(s). Knight and Owenby as prime sponsor(s).

**House Bill No. 635:** Rep(s). Armstrong as prime sponsor(s).

**House Bill No. 1554:** Rep(s). Ridgeway as prime sponsor(s).

#### **ANNOUNCEMENTS**

The Speaker announced the following:

As required by Tennessee Code Annotated, Section 17-5-311(d), the report of the Special Joint Committee appointed pursuant to House Resolution 22 and Senate Resolution 15 to consider the removal of David W. Lanier from the Office of Chancellor of the 29th judicial district pursuant to Article VI, Section 6, of the Constitution of Tennessee, has been filed with the respective speakers.

In conjunction with Lt. Governor Wilder, pursuant to House Resolution 22, Senate Resolution 15 and Tennessee Code Annotated, Section 17-5-311(d), I am calling a joint convention of the general assembly to be held in the chamber of the house of representatives

**MONDAY, APRIL 19, 1993 -- THIRTY-FIFTH LEGISLATIVE DAY**

on April 21, 1993 at 2:00 p.m. for the purpose of acting upon the report of the Special Joint Committee in the matter of David W. Lanier.

**COMMUNICATIONS**

The following documents were filed with respect to House Resolution No. 22.

April 19, 1993

**M E M O R A N D U M**

TO: Members of the General Assembly

FROM: Clyde W. McCullough, Jr., Chief Clerk of the Senate  
Burney Durham, Chief Clerk of the House

SUBJECT: Tennessee Code Annotated, Section 17-5-311(d)--  
Call for Joint Convention of the General Assembly

Please be advised that under the above-cited section of Tennessee Code Annotated, we have been directed by our respective speakers to inform the membership of a joint convention of the General Assembly to be held of April 21, 1993, at 2:00 p.m. for the purpose of acting upon the report of the Special Joint Committee in the matter of David W. Lanier, a copy of which is attached. By copy of this memorandum and the attached report, we are informing Judge Lanier of the joint convention.

**GENERAL ASSEMBLY  
State of Tennessee  
Nashville 37219**

April 19, 1993

Mr. Clyde McCullough  
Chief Clerk of the Senate  
State Capitol  
Nashville, Tennessee 37243

Mr. Burney Durham  
Chief Clerk of the House of Representatives  
State Capitol  
Nashville, Tennessee 37243

Pursuant to House Resolution 22, Senate Resolution 15 and Tennessee Code Annotated, Section 17-5-311(d), you are hereby directed to inform the membership of a joint convention of the general assembly to be held in the chamber of the house of representatives on April 21, 1993, at 2:00 p.m. for the purpose of acting upon the enclosed report of the joint committee in the matter of



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David W. Lanier

on the charges contained therein. By copy of this letter and the enclosed report, we are informing Judge Lanier of the joint convention.

Please have this letter and the report spread upon the pages of the journal of each house.

Sincerely,  
/s/John S. Wilder  
/s/Jimmy Naifeh

#### REPORTS OF SELECT COMMITTEES

##### REPORT OF THE SPECIAL JOINT COMMITTEE APPOINTED PURSUANT TO SENATE RESOLUTION NO. 15 AND HOUSE OF REPRESENTATIVES RESOLUTION NO. 22 OF THE NINETY-EIGHTH GENERAL ASSEMBLY

In the Matter of Judge David W. Lanier

April 19, 1993

MEMBERS: Representative Frank Buck, Chairman  
Senator James F. Kyle, Vice Chairman  
Senator Ward Crutchfield  
Senator Thelma Harper  
Senator Joe M. Haynes  
Senator Ben Atchley  
Senator Curtis S. Person, Jr.  
Representative Bill Purcell  
Representative Lois DeBerry  
Representative Jere Hargrove  
Representative W. Townsend Anderson  
Representative Karen W. Williams

On April 1, 1993, the Tennessee Court of the Judiciary, following a hearing conducted at Dyersburg, Tennessee on February 24 and 25 1993, unanimously recommended the removal of David W. Lanier from the office of Chancellor of the twenty-ninth judicial district and from the derivative office of Juvenile Judge of Dyer County.

On April 1, 1993, the Senate adopted Senate Resolution No. 15 and the House of Representatives adopted House Resolution No. 22 authorizing the speakers of each house to appoint a committee to consider the removal of David W. Lanier from the office of Chancellor of the twenty-ninth judicial district by the General Assembly acting pursuant to Article VI, Section 6, of the Constitution of Tennessee. On April 5, 1993, Speaker Wilder

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appointed the Senate members of the committee and Speaker Naifeh appointed the House members. For the purpose of convening an organizational meeting, Senator Person was appointed as temporary chair.

Temporary Chair Person called an organizational meeting of the Special Joint Committee on April 7, 1993. At that meeting, Representative Buck was elected to chair the committee and Senator Kyle was elected vice-chair. At the meeting, the committee voted to conduct a hearing upon the record compiled by the Court of the Judiciary on April 19, 1993 at 1:30 p.m. (CDT). On April 8, 1993, Judge Lanier received personal notice of the April 19 meeting.

Following the hearing conducted on April 19, the Special Joint Committee makes the following findings and recommendations with respect to David W. Lanier:

**FINDINGS**

1. On December 15, 1992, in the United States District Court for the Western District, Western Division, David W. Lanier was convicted of five misdemeanor and two felony violations of United States Code, Title 18, Section 242, involving the deprivation of a person's rights and privileges secured and protected by the Constitution and the laws of the United States while acting under color of law, as set out in the order of Jury Verdict dated January 29, 1993, and which is Exhibit 7 in the record of the Special Joint Committee.
2. Conviction for these seven violations was the basis for which the General Assembly instituted proceedings to consider the removal of Judge Lanier.
3. In an opinion dated April 7, 1993, the Tennessee Court of the Judiciary, after a hearing on the matter, unanimously recommended that David W. Lanier be removed from the office of Chancellor and the derivative office of Juvenile Judge.
4. On April 12, 1993, David W. Lanier received the following sentence, as set out in the sentencing order of the Honorable Jerome Turner and which is Exhibit 8 in the record of the Special Joint Committee, on the seven counts for which he was convicted:

Count 2--12 months;

Count 4--12 months;

Count 5--12 months;

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Count 6--120 months;

Count 7--120 months;

Count 8--12 months; and

Count 11--12 months.

All sentences were ordered to be served consecutively.

In addition to a sentence of imprisonment, David W. Lanier was ordered to pay a fine of \$25,000 plus \$1,492 per month during the period of incarceration for so long as the defendant is entitled to receive and receives a pension from the state of Tennessee.

5. The conduct for which Judge Lanier was convicted involved sexual contact with court employees as well as persons before his court as litigants.
6. The conduct for which David W. Lanier was convicted and sentenced to imprisonment adversely affects the reputation and image of not only his office, but the entire Tennessee judiciary and is sufficient cause for his removal from the office of Chancellor of the twenty-ninth judicial district.

**RECOMMENDATIONS**

1. The Special Joint Committee recommends by a vote of 12 to 0 that David W. Lanier be removed from the office of Chancellor of the twenty-ninth judicial district because of his December 15, 1992, conviction for seven violations of United States Code, Title 18, Section 242.

This report is respectfully submitted by the membership of the Special Joint Committee of the Ninety-eighth General Assembly of the State of Tennessee.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 213; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 19, 1993**

The following bills have been examined, engrossed, and are ready

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for transmission to the Senate: House Bill(s) No(s). 1371, 1433, 1542, 1619, 1631, 1633, 1634, 1635, 1636, 1637 and 1639; also, House Joint Resolution(s) No(s). 37, 56, 63, 82 and 144.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 192; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 172, 655, 1011 and 1389; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 19, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 635 and 1547.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 19, 1993**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 522, 581 and 1498; also, House Joint Resolution(s) No(s). 103, 145 and 146.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 168, 169 and 170; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 0168 -- Memorials, Sports -- Charles**

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Thomas Clark, Jr. General Chairman of NAIA National Women's Basketball tournament. by \*McKnight.

**Senate Joint Resolution No. 0169** -- Memorials, Professional Achievement -- Steve H. Hall, Cheatham County Teacher of the Year. by \*Rice.

**Senate Joint Resolution No. 0170** -- Memorials, Recognition and Thanks -- Richard M. "Pek" Gunn, Tennessee's Poet Laureate. by \*Springer, \*Henry, \*O'Brien, Burks, Kyle.

**MESSAGE FROM THE SENATE**

**April 19, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 340, 763, 1057, 1291, 1301, 1320 and 1442; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 0340** -- Hospitals and Health Care Facilities -- Requires department to notify health facilities if required construction plan information is completed within 14 days of submission; requires action on approval by department within 45 days of submission. Amends TCA, Title 68, Ch. 11. by \*Ford.

**\*Senate Bill No. 0763** -- State Employees -- Prohibits gifts to state officials and employees with limited exceptions; expands prohibition on honoraria. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 5. by \*Cohen.

**\*Senate Bill No. 1057** -- Sentencing -- Enacts "Victim Impact Statement Act". Amends TCA, Title 40. by \*Gilbert, \*McNally, \*Jordan, Rice.

**\*Senate Bill No. 1291** -- Education -- Gives greater access to educational services for visually impaired elementary and secondary school students through individualized education programs. Same as \*SB 1307. Amends TCA, Title 49, Ch. 10. by \*Davis, \*Henry.

**Senate Bill No. 1301** -- Insurance, Health, Accident -- Requires commissioner of commerce and insurance to develop and implement standardized forms, including UB 92, for exclusive use by claimants when making claims against health care insurance policies in effect in state. Amends TCA, Title 56. by \*Hamilton.

**\*Senate Bill No. 1320** -- Courts, General Sessions -- Allows any person over 18 years of age to serve process issued by a general sessions court or a court exercising general sessions jurisdiction. Amends TCA 16-15-601. by \*Koella.

**\*Senate Bill No. 1442** -- General Assembly -- Increases eligible retirement age to 60; requires five years of service for eligibility; limits pension to 75 percent of average final

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compensation; requires forfeiture of pension for conviction of felony arising out of state employment. Amends TCA, Title 8, Chs. 35, 36. by \*Gilbert, \*Cohen, Leatherwood.

**CONSENT CALENDAR  
April 19, 1993**

The following local bills have been placed on the Consent Calendar for **Monday, April 26, 1993**: House Bill(s) No(s). 1642, 1643 and 1645.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 92

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, April 21, 1993.